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July 15, 2011

VIA FIRST CLASS MAIL

Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: Opposition No.: (Pending) / ESTTA Tracking No.: 419968
Opposition to U.S. App. Serial No. 77/964,513
MOLESKINSOFT in International Classes 9 and 42
Opposer: Moleskine S.r.l.
Our Ref. No.: 58997-414518

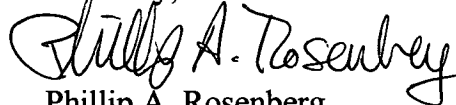
Dear Sir/Madam:

Opposer Moleskine S.r.l. filed today, July 15, 2011, via ESTTA a Notice of Opposition against U.S. App. Serial No. 77/964,513 for MOLESKINSOFT (a copy of the ESTTA filing receipt is enclosed).

By way of this letter, Opposer is also filing the enclosed Opposer's Motion to Suspend, pursuant to T.B.M.P. § 213.

Please contact the undersigned with any questions about the enclosed Motion to Suspend.

Sincerely,


Phillip A. Rosenberg

Enclosures

cc: Lisa Pearson, Esq.
Dmitri Dubrograev, Esq.



07-19-2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/964,513

For the mark: **MOLESKINSOFT**

Filed: March 22, 2010

Published: January 18, 2011

Opposer's Ref. No.: 58997-414518

MOLESKINE S.R.L.,	-----X	
	:	
Opposer,	:	Opposition No.:
	:	
v.	:	<u>OPPOSER'S MOTION TO SUSPEND</u>
	:	
ALEXANDER FEDOSEEV,	:	
	:	
Applicant.	:	
	-----X	

Moleskine S.r.l. ("Opposer"), a limited liability company organized and existing under the laws of Italy with a principal place of business at Viale Stelvio, 66, I-20159 Milan, moves the Board pursuant to 37 C.F.R. § 2.127 and T.B.M.P. § 213 to suspend this proceeding pending final determination of the registrability of the applied-for mark.

On February 14, 2011, Opposer timely filed with the Board a 90-day Extension of Time to Oppose Mr. Applicant's application. Four days later, on February 18, 2011, at the request of the Examining Attorney, the Commissioner for Trademarks restored jurisdiction over Applicant's application to the Examining Attorney, who withdrew Applicant's application from publication. On February 22, 2011, the Examining Attorney issued a Notice of Suspension of Applicant's application, citing Opposer's pending U.S. App. Serial No. 79/084,389 for MOLESKINE in Classes 9 and 11 as a bar to registration under 15 U.S.C. § 1052(d). Opposer then timely filed a Notice of Opposition electronically with the Board on July 15, 2011.

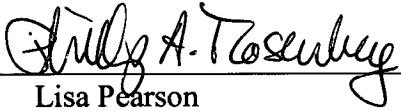
Because the Examining Attorney restored jurisdiction over the Applicant's application

prior to Opposer filing a Notice of Opposition, the Applicant's mark may ultimately be deemed unregistrable, rendering the present opposition moot. As such, Opposer respectfully requests that the Board grant Opposer's Motion to Suspend and suspend all further Board proceedings pending a final determination of the registrability of the Applicant's mark.

Dated: New York, New York
July 15, 2011

Respectfully submitted,

**KILPATRICK TOWNSEND &
STOCKTON LLP**

By: 
Lisa Pearson
Phillip A. Rosenberg

31 West 52nd Street, 14th Floor
New York, New York 10019
Telephone: (212) 775-8700
Facsimile: (212) 775-8800

Attorneys for Opposer Moleskine S.r.l.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. **77/964,513**

For the mark: **MOLESKINSOFT**

Filed: March 22, 2010

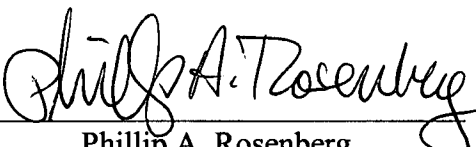
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-----X	:	
MOLESKINE S.R.L.,	:	Opposition No.
Opposer,	:	
v.	:	<u>OPPOSER'S MOTION TO SUSPEND</u>
ALEXANDER FEDOSEEV,	:	
Applicant.	:	
-----X	:	

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing **OPPOSER'S MOTION TO SUSPEND** is being deposited with the United States Postal Services with sufficient postage as First Class Mail, postage prepaid, on this day, July 15, 2011.



Phillip A. Rosenberg

In the Matter of Application Serial No. **77/964,513**
For the mark: **MOLESKINSOFT**
Filed: March 22, 2010
Published: January 18, 2011
Opposer's Ref. No.: 58997-414518

-----X	:	
MOLESKINE S.R.L.,	:	Opposition No.
	:	
Opposer,	:	
	:	
v.	:	<u>OPPOSER’S MOTION TO SUSPEND</u>
	:	
ALEXANDER FEDOSEEV,	:	
	:	
Applicant.	:	
-----X	:	

This is to certify that a copy of the foregoing OPPOSER'S MOTION TO SUSPEND has been served on Applicant by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in envelopes addressed to:

This the 15th day of July, 2011.

Phillip A. Rosenberg
Phillip A. Rosenberg

Rosenberg, Phil

From: .
Sent: estta-server@uspto.gov
Sent: Friday, July 15, 2011 1:03 PM
To: Pearson, Lisa; Rosenberg, Phil; Garcia, Alberto; NYTrademarks; tadmin
Subject: ESTTA. Notice of Opposition. confirmation receipt ID: ESTTA419968

Notice of Opposition.

Tracking No: ESTTA419968

ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

We have received your Notice of Opposition. submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system.
This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

Please note:

Unless your submission fails to meet the minimum legal requirements for filing, the Board will not cancel the filing or refund any fee paid.

If you have a technical question, comment or concern about your ESTTA submission, call 571-272-8500 during business hours or e-mail at estta@uspto.gov.

The status of any Board proceeding may be checked using TTABVUE which is available at <http://ttabvue.uspto.gov> Complete information on Board proceedings is not available through the TESS or TARR databases. Please allow a minimum of 2 business days for TTABVUE to be updated with information on your submission.

The Board will consider and take appropriate action on your filing in due course.

Printable version of your request is attached to this e-mail

ESTTA server at <http://estta.uspto.gov>

ESTTA Tracking number: ESTTA419968
Filing date: 07/15/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Name: MOLESKINE S.R.L.
Granted to Date of previous extension: 07/17/2011
Address: Viale Stelvio, 66
I-20159 MILANO,
ITALY

Attorney information:
Lisa Pearson
KILPATRICK TOWNSEND & STOCKTON LLP
31 West 52nd Street, 14th Floor
New York, NY 10019
UNITED STATES

lpearson@kilpatricktownsend.com, PRosenberg@kilpatricktownsend.com, Agarcia@ktslaw.com, NYTrademarks@ktslaw.com, tadmin@ktslaw.com Phone:212-775-8700

Applicant Information:

Application Serial No: 77964513

Publication date: 01/18/2011

Opposition Filing Date:

Opposition Period Ends: 07/17/2011

Applicant: Fedoseev, Alexander

Address: 94 Triasolobova Street, apt. 12 Perm, 614029 RUSSIAN FEDERATION

Goods/Services Affected by Opposition:

Class 009. First Use: 20060213 First Use In Commerce: 20060213

All goods and services in the class are opposed, namely: Downloadable computer software and computer software for finding and removal of duplicate data files, synchronization of the data files and directories and file clean-up

Class 042. First Use: 20060213 First Use In Commerce: 20060213

All goods and services in the class are opposed, namely: Application service provider featuring software for finding and removal of duplicate data files, synchronization of the data files and directories and file clean-up; providing a website featuring information on downloading software programs for finding and removal of duplicate data files, synchronization of the data files and directories and file clean-up; technical support services, namely, troubleshooting of computer software problems; technical support services, namely, troubleshooting in the nature of diagnosing computer software problems

Grounds for Opposition: Priority and likelihood of confusion, Trademark Act section 2(d)

Dilution, Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition U.S. Registration No.: 2453716 Application

Date: 12/28/1998 Registration Date: 05/22/2001 Word Mark: MOLESKINE

Goods/Services:

Class 016 First Use: 19990100 First Use In Commerce: 19990100

[Writing paper; adhesives for stationery or household purposes; plastic material for packaging, namely, flexible transparent sheeting; printing blocks; printers' type; bookbinding materials, namely, tape, wire and cloth;] Telephone number books; address books; notebooks; agendas; diaries; pocket diaries, none of which are composed in part or in whole of the material moleskin; and telephone number books, address books, notebooks, agendas, diaries and pocket diaries all made of leather or imitation leather U.S.

Registration No.: 3220691 Application Date: 05/13/2005 Registration Date: 03/20/2007 Word Mark: MOLESKINE

Goods/Services:

Class 016 First Use: 20000605 First Use In Commerce: 20000605

Writing paper; adhesives for stationery or household purposes; plastic material for packaging, namely, flexible transparent sheeting; printing blocks; printer's type; bookbinding materials, namely, tape, wire and cloth; telephone number books; address books; notebooks; agendas; diaries; pocket diaries, none of which are composed in part or in whole of the material moleskin; and telephone number books, address books, notebooks, agendas, diaries and pocket diaries all made of leather or imitation of leather U.S.

Application No.: 77083495 Application Date: 01/16/2007 Word Mark: MOLESKINE

Goods/Services:

Class 009 First Use: 20110413 First Use In Commerce: 20110413

Sunglasses; spectacles; spectacle cases

Class 018 First Use: 20110413 First Use In Commerce: 20110413

All purpose carrying bags; handbags; rucksacks; traveling bags; briefcases; document cases made of leather or imitation of leather; gent's handbags

Class 020 First Use: 20110413 First Use In Commerce: 20110413

Furniture

U.S. Application No.: 77801208

Application Date: 08/10/2009

Word Mark: MOLESKINE

Goods/Services:

Class 016 First Use: 19991231 First Use In Commerce: 20001231

(Based on Use in Commerce) (Based on 44(e)) Paper, cardboard and goods made from these materials, namely, telephone number books; address books; notebooks; agendas; diaries; pocket diaries, stationery - type portfolios, blank writing journals, day planners, travel guide books; (Based on Intent to Use) (Based on 44(e)) Writing instruments; stationery; adhesives for stationery; file holders, folders for office use; desktop organizers for office use, stationery organizers for office use; desktop organizers U.S. Application No.:

Goods/Services:

Class 009

Optical apparatus and instruments, namely, spectacles, sunglasses, protective eyeglasses, frames, cases and chains for spectacles and glasses; life-saving apparatus and instruments, namely, protective helmets, protective helmets for sports; photographic and cinematographic apparatus and instruments, namely, cameras, camcorders; apparatus for recording, transmission or reproduction of sound and/or images, namely, digital photo frames for displaying digital pictures, digital picture albums in the nature of portable LCD panels for displaying digital pictures, portable digital audio players, electronic publications, namely, books featuring travel information recorded on computer media; stereo equipment, namely, stereo receivers, stereo amplifiers, personal stereos and audio speakers; blank recordable optical discs; calculating machines, data processing and data storage equipment, namely, computers, data processors, CDs and DVDs featuring travel information and reproductions of works of art, blank USB flash drives; blank optical and magnetic data carriers; computer software for the collection, editing, organizing, modifying, book marking, transmission, storage, and sharing of data and information; computer software for processing digital images and creating, editing and sharing digital content, namely, contact information, calendar event entries and files combining images and text; downloadable products, namely, downloadable page format templates for notebooks; recorded CD-ROMs containing digital nature photographs and reproductions of works of art; audio and video musical recordings; mobile phones; hand held communication devices in the nature of walkie-talkies; global positioning system (GPS); accessories specially adapted for the above mentioned goods, namely, protective cases, carrying cases, covers, earphones, headphones, clips specially adapted for attaching mobile phones to clothing, electric power strips, cord management systems in the nature of earphone accessories, computer mouse; mouse-pads Class 011 Apparatus for lighting, namely, lamps, lamp holders in the nature of reading lamp holders and USB-powered lamp holders; parts and accessories therefor, namely, lamp bases, lampshades, light bulbs; electric torches for lighting, searchlights, outdoor portable lighting products in the nature of headlamps; light reflectors

Attachments:

75612531#TMSN.gif (1 page)
78629297#TMSN.jpeg (1 page)
77083495#TMSN.jpeg (1 page)
77801208#TMSN.jpeg (1 page)
79084389#TMSN.jpeg (1 page)
2011-7-15 Notice of Opposition - [MOLESKINSOFT].pdf (43 pages)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by First Class Mail on this date.

Phillip A. Rosenberg
/Phillip A. Rosenberg/
07/15/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No. 3,982,139

For the mark InTENSity

Date registered: June 21, 2011

77/832,889

TENSproducts, Inc.

253 County Road 41

Granby, CO 80446

v.

Current Solutions, LLC DBA Koalaty Products, Inc

3814 Woodbury Drive

Austin, TX 78704

REGARDING PETITION TO CANCEL

Enclosed is proof of service of petition to cancel on Current Solutions.

Certified Mail copies were sent to:

Current Solutions, LLC and their lawyer The Webb Law Firm



07-19-2011

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City, State, ZIP+4 *Pittsburgh PA 15222*

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07/14/2008

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Street, Apt. No.,
or PO Box No. *3814 Chadbury Drive*
City, State, ZIP+4 *Austin TX 78704*

PS Form 3800, August 2005 See Reverse for Instructions